

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50930 of 2022**

Arising Out of PS. Case No.-347 Year-2022 Thana- BARHARIA District- Siwan

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Lav Kumar Yadav S/o Deepak Kumar Yadav @ Deepak Yadav @ Manoj
Yadav R/o village- Shadipur, Khaw Tola, P.S.- Goriakothi, Distt.- Siwan, At
Present R/o village- Dharam Parsa, P.S.- Majhagarh, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 10-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Barharia P.S.
Case No. 347 of 2022 registered for the offence under Section 30(a)
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.08.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 95.040 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner is the driver of the alleged vehicles and



nothing surfaced during the course of investigation which may suggest that he was under knowledge to carry consignment of illicit liquor. It is further submitted that the seizure list is also disputed as same is not supported by independent witnesses rather by home guard personnels. It is also submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the seizure list appears doubtful being not supported by independent witnesses coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barharia P.S. Case No. 347 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Siwan/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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